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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,161	11/30/2001	Leif Norlander	611-53	8113

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EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,161

Applicant(s)

NORLANDER ET AL.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 03182004. 6) ☐ Other: _____

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DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

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The disclosure is objected to because of the following informalities: (specification page 4, line 33) "claim 1."; applicants can not refer to claim numbers on the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(claim 26, line 2) "850 700 ml CSF." it is indefinite and/or confusingly worded because it is not clear what applicants are referring to; etc.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIlvain et al. (3,526,566).

McIlvain discloses a packaging laminate and method of creasing a packaging laminate manufactured from fibers, which packaging laminate comprises a bulk promoting layer (Fig. 6; via fiber F), here denoted bulk layer, which consists of a network structure of fibers, and on at least one side of the bulk layer at least one side layer (Fig. 6; via base 24), the side layer and bulk

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layer being directly or indirectly joined to each other over essentially their entire surfaces facing each other (Figs. 7-9), said method comprising pressing down a creasing device (Figs. 5 and 6; via creasing rule 16), in a first side of the laminate, to form a crease line, while on the other side of the laminate, which is opposite to said first side, employing a holding-on tool (Fig. 6; via plate 15), which holding-on tool is essentially planar in an area corresponding to the location of the creasing device (Fig. 6), whereby said crease line is formed in which said network structure of said bulk layer, is weakened and compressed, while the laminate is kept essentially planar on the opposite side in the area of the crease line, so that said weakening and compression enables folding of the packaging laminate in the crease line, see for example (Figs. 6-9); essentially without the formation of cracks being formed in connection with the crease line in one or two outermost layers of the laminate (column 2, lines 4-25). McIlvain does not disclose that the bulk layer to 40-95% consists of cellulose fibers with a freeness of 550-950 ml CSF, wherein the at least one side layer has a greater density than the bulk layer, nor wherein the laminate has a bending stiffness index greater than $2.5 \text{ Nm}^7/\text{kg}^3$, but less than $14 \text{ Nm}^7/\text{kg}^3$. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified McIlvain's method by having the bulk layer to 40-95% consists of cellulose fibers with a freeness of 550-950 ml CSF, wherein the at least one side layer has a greater density than the bulk layer, and wherein the laminate has a bending stiffness index greater than $2.5 \text{ Nm}^7/\text{kg}^3$, but less than $14 \text{ Nm}^7/\text{kg}^3$, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233, in order to improve the quality of the packaging laminate.

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Regarding claim 22: McILvain discloses the at least one side layer is arranged on said first side of the laminate, whereby said side layer (Fig. 6; via 24) is brought to sink down into the bulk layer (Fig. 6; via Fiber F) in the crease line, and whereby the laminate is kept essentially planar on the opposite side of the sunk down side layers, in the area of the crease line, see for example (Figs. 7-9).

Regarding claims 23-28: McILvain does not disclose that at least 60 % of the bulk layer consists of fibers with a freeness value greater than 600 ml CSF, the laminate has a bending stiffness index greater than $3.0 \text{ Nm}^7/\text{kg}^3$; at least 60 % of the bulk layer consists of fibers with a freeness value greater than 650 ml CSF; at least 60 % of the bulk layer consists of fibers with a freeness value at least 700 ml CSF; at least 60 % of the bulk layer consists of fibers with a freeness value less than "850 700 ml CSF"; the laminate has a bending stiffness index greater than $4.0 \text{ Nm}^7/\text{kg}^3$; nor the laminate bending stiffness index greater than $5.0 \text{ Nm}^7/\text{kg}^3$. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified McIlvain's method by having at least 60 % of the bulk layer consists of fibers with a freeness value greater than 600 ml CSF, the laminate has a bending stiffness index greater than $3.0 \text{ Nm}^7/\text{kg}^3$; at least 60 % of the bulk layer consists of fibers with a freeness value greater than 650 ml CSF; at least 60 % of the bulk layer consists of fibers with a freeness value at least 700 ml CSF; at least 60 % of the bulk layer consists of fibers with a freeness value less than "850 700 ml CSF"; the laminate has a bending stiffness index greater than $4.0 \text{ Nm}^7/\text{kg}^3$; and the laminate bending stiffness index greater than $5.0 \text{ Nm}^7/\text{kg}^3$, since it has been held that where the general conditions of a claim are disclosed in the prior art,

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discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233, in order to improve the quality of the packaging laminate.

Regarding claims 29, 31 and 33: McIlvain discloses the laminate being folded in the crease line, towards said first side of the laminate (Figs. 8 and 9).

Regarding claim 32: McIlvain does not disclose packaging produced by folding of packaging laminate. Note that McIlvain discloses folding the laminate as seen in (Figs. 9, 11, and 12) and it is clear and obvious that the way been folded could be used and consider as packages and could be used to wrap things around. Therefore, it could be consider as packaging produced by folding of the packaging laminate.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809.

The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
Art Unit 3721



ST.